IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6756 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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BECHARJI D KHANT

Versus

CHAIRMAN

Appearance:

1. Special Civil Application No. 6756 of 1988

MR MS KHAN for Petitioner No. 1

RULE SERVED for Respondent No. 1

MR AMIT M PANCHAL for Respondent No. 2

MR MD PANDYA for Respondent No. 3

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 18/07/2002

ORAL JUDGEMENT

In the present petition, which is filed under Article 226 of the Constitution, the petitioner has

prayed to issue a writ of mandamus or any other writ or order to quash and set aside order dated December 18, 1986 suspending him from service during the pendency of criminal trial launched against him as well as order dated April 29, 1988 dismissing him from service on being convicted by the learned Additional Sessions Judge, Himatnagar under section 201 of the Indian Penal Code.

2. The petition was placed for admission hearing before the Court on October 27, 1988 and the Court had issued rule and granted ad-interim relief in terms of Para-28(C) of the petition. Thereafter the matter was notified for further hearing on March 27, 1990 and the Court had passed following order :

> "Heard Mr. M.A.Panchal for the respondent.
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> Ad-interim relief granted earlier to continue. However, the petitioner is directed to inform about the final decision of criminal appeal to the respondent immediately after the matter is heard and decided by the Court. The respondent-Board shall make the payment of subsistence allowance only on the declaration made by the petitioner every month to the effect that the appeal has not still been heard and decided. If such declaration is not made, the respondent-Board will be at liberty not to make the payment."

3. At the time of hearing of the petition, Mr.M.D.Pandya, learned counsel for the respondent-Board, has stated at the Bar that the criminal appeal, which was filed by the petitioner, is allowed and on his acquittal he has been reinstated in service and paid backwages also. It may be stated that the above referred to statement is made by Mr. Pandya on the basis of letter dated July 1, 2002 addressed by the Superintending Engineer (O&M), Gujarat Electricity Board, Himatnagar, to him. As the petitioner is reinstated in service and paid backwages, I am of the view that the petition has become infructuous and deserves to be disposed of accordingly.

For the foregoing reasons, the petition is dismissed as having become infructuous. Rule is discharged with no order as to costs. Interim relief granted earlier is hereby vacated.

(J.M.Panchal,J.)

(patel)